



United States
Department of
Agriculture

Food and
Nutrition
Service

Mountain
Plains
Region

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Reply to
Attn of: MPSF: 10-05-I

Subject: **WIC - Delay in Poverty Guidelines Update**

FEB 08 2010

To: All WIC State Agencies
Mountain Plains Region

The Mountain Plains Regional Office has been notified that the 2009 Poverty Income Guidelines will be extended until at least March 1, 2010.

On December 19, 2009, the President signed the Department of Defense Appropriations Act, 2010 (Pub. L. 111-118), which included a provision affecting the poverty income guidelines. Section 1012 of the law states that:

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not publish updated poverty guidelines for 2010 under Section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)) before March 1, 2010, and the poverty guidelines published under such section on January 23, 2009, shall remain in effect until updated poverty guidelines are published.

The *Congressional Record* (House) (December 16, 2009, p. H15370) provides the following explanation of Congressional action:

Section 1012 includes a provision to freeze the Department of Health and Human Services poverty guidelines at 2009 levels in order to prevent a reduction in eligibility for certain means-tested programs, including Medicaid, Supplemental Nutrition Assistance Program (SNAP), and child nutrition, through March 1, 2010.

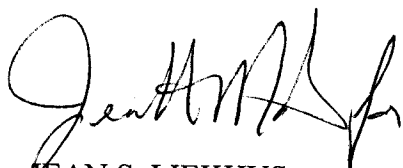
For the first time since the poverty guidelines began to be issued in 1965, the annual average Consumer Price Index (CPI-U) has decreased from the figure for the previous year. In the absence of this legislative change, the decrease in the annual average CPI-U for 2009 announced on January 15, 2010 (see <http://www.bls.gov/news.release/pdf/cpi.pdf> [PDF - 25 pages], Table 1A), would have required HHS to issue 2010 poverty guidelines that were lower than the 2009 poverty guidelines, which would have led to the "reduction in eligibility" referred to in the Congressional explanatory language.

We will issue updated WIC income guidelines after the Department of Health and Human Services (DHHS) publishes the updated poverty guidelines. As of now, the delay in the DHHS release of the Fiscal Year (FY) 2010 Poverty Guidelines should not have a direct impact on the requirement for State agencies to implement updated WIC income guidelines by

July 1, 2010. All WIC State agencies, including those that traditionally implement the new WIC income guidelines concurrently with their States' implementation of the updated guidelines under the Medicaid Program under Title XIX of the Social Security Act, i.e., earlier than the July 1st date, must continue to use the June 2009 – July 2010 WIC income guidelines currently in effect and posted on the FNS WIC Web site. The link to the current WIC income guide lines is as follows: <http://www.fns.usda.gov/wic/howtoapply/incomeguidelines.htm>.

We will provide updated information about the post-March 1 period when it becomes available.

If you have any questions, please contact Laren Baker of my WIC staff at (303) 844-4460.

A handwritten signature in black ink, appearing to read 'Jean S. Liekhuis', with a stylized flourish at the end.

JEAN S. LIEKHUIS
Regional Director
Supplemental Nutrition Programs